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Atorneys for Defendant  
MENU FOODS, INC., a New Jersey corporation

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA**

ROBERT PAYNE and STEVE  
BARTILUCCI,  
Plaintiffs,  
v.  
MENU FOODS, INC., a New Jersey  
corporation, PETCO ANIMAL SUPPLIES  
INC.; a Delaware corporation, SAFEWAY  
INC., a Delaware corporation, THE  
PROCTOR & GAMBLE COMPANY, a  
Ohio corporation, and DOES 1 through 50,  
Defendants.

CASE NO. 07 CV 0705 JAH (CAB)

**NOTICE OF RELATED CASES,  
PURSUANT TO LOCAL RULE 40.1(e)**

CTROOM: 11  
JUDGE: Hon. John A. Houston  
TRIAL DATE: No Date Set

Defendant MENU FOODS, INC. hereby advises the Court, pursuant to Local Rule 40.1(e), of the following recently filed and/or served related cases:

1. *Swarberg v. Menu Foods Holding, Inc.*, 07 CV 0706 BTM (POR).

In these matters, the plaintiffs contend that their pets were injured and/or died following their consumption of Defendant's products (specifically certain brands of dog and cat food). Defendant submits that these matters: (1) arise from the same or substantially identical happenings or events (the consumption of Defendant's products which is alleged to have caused injury in each case); (2) involve the same (or substantially the same) parties; (3) call for determination of the same or substantially identical questions of law; and (4) if heard by different judges would entail the unnecessary duplication of labor.

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07 CV 0705 JAH-CAB

1           For these reasons, MENU FOODS, INC. requests that the "low number" rule be invoked  
2 for these two matters.

3           DATED: April 19, 2007

4           HIGGS, FLETCHER & MACK LLP

5           By:/s/Susan M. Hack

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7           SUSAN M. HACK, ESQ.  
8           Attorneys for Defendant  
9           MENU FOODS, INC., a New Jersey  
10          Corporation

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